REMARKS

Claims 9 to 16 are pending in the application.

Claim Rejections - 35 U.S.C. 112

Claims 9-16 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. The examiner objects to the fact that applicant defines the same physical object as distinct elements. The examiner refers to chain links and swivel elements, thrust bolts and drive members.

This rejection is not understood. The drawings show clearly that the chain links 4 or 4', as indicated by the brackets in Figs. 1, 2, and 3, for example, are comprised of the swivel elements 6 or 6' and 7 or 7'. The specification sets forth (page 4, line 14) that

"... the chain links are comprised of at least two swivel elements 6 and 7.".

The claims use exclusively the term thrust bolts; there is no mention of drive members; therefore there are no same physicals objects claimed as distinct elements. The specification sets forth that the thrust bolts 14 are drive members 9; i.e., the term drive members is the general term while the term thrust bolts is a specific embodiment of such a drive member.

The examiner also states that the claimed feature "an adjusting force ... the chain links are moved into a compression-resistant position and ...." is incorrect because this suggests that the sprocket makes the chain incompressible as it passes over while the opposite is true; the chain bends in one direction and that is when it passes over the sprocket. The adjusting force is reversible, i.e., it is applied in the first as well as second direction of rotation of the sprocket wheel (see Fig. 3, D, D').

The specification sets forth that (page 4, lines 18-23):

"In the area of these sliding pairs, an adjusting force F of the sprocket wheel 5 (direction of rotation upon stroke: D) can be introduced into the thrust bolts 14 extending transversely to the longitudinal chain direction M so that the chain links identified in Fig. 3 at 4' are moved by the sprocket wheel 5 into the compression-resistant position and, from this position, can be returned by reversal of rotational direction (D') of the sprocket wheel 5."

This is what is being claimed: the sprocket, of course, rotates in both directions and in the first direction the chain is compressed to be able to carry a load while in the second

direction the chain is returned into the non-compressed state.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 112 are respectfully requested.

Rejection under 35 U.S.C. 102

Claims 9-12 and 15-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Schmezer (EP1382882)*.

Claim 9 has been amended to better define the arrangement of the thrust bolts relative to the swivel elements. The swivel elements have bearing surfaces that are at least partially complementary in a longitudinal chain direction and have sliding surfaces that form at least over portions thereof a concave arc contour, respectively. The thrust bolts are arranged in a receptacle between two swivel elements neighboring one another, respectively, wherein said receptacle is defined by the concave arc contours of the sliding surfaces in that the concave arc surfaces are arranged opposed to one another for receiving the thrust bolts, respectively. This is apparent when looking at Figs. 5 and 6 where the concave arc surfaces 8' are shown on each swivel element: when placing the two swivel elements 6, 7 next to each other, it is apparent that a receptacle is formed at the upper end by the two concave arc surfaces 8'. See also the detail views of the chains in Figs. 3 and 4 with the thrust bolts positioned in the receptacles.

Schmezer shows that the contours of the swivel members 6, 7 (Figs. 10, 11) complement one another. There is no receptacle formed between two neighboring swivel elements by concave arc contours that are arranged opposed to one another. Each of the swivel elements has a centrally arranged bore through which the thrust bolts extend; see Fig. 4 where the thrust bolts 14 are shown in the swivel elements 7. The swivel elements 6 in Fig. 4 are covered by the connecting plate 21 that has a bore 22 (see Fig. 12) matching the bore (no reference numeral) in the swivel element 6. In an alternative embodiment (Figs. 21, 22) the thrust bolts 14' extend through bores 20 in the lateral projections of the swivel elements 7"' while the swivel elements 6 have no such bores.

Schmezer cannot anticipate or make obvious receptacles for the thrust bolts between neighboring swivel elements where the receptacles are formed by oppositely positioned concave arc contours of the neighboring swivel elements.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 102 are

therefore respectfully requested.

Rejection under 35 U.S.C. 103

Claims 13-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmezer (EP 1382882)* in view of *Springman (US 4,930,620)*.

Claim 9 as amended is believed to be allowable and the dependent claims should thus be allowable also.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on April 23, 2009,

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